

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MILLAGROS IMPORTS LIMITED, a
New York corporation,

Plaintiff,

v.

PROGRESS VANTAGE LIMITED,
a foreign corporation,

Defendant.

**DECLARATION OF VANESSA
SORIANO POWER IN SUPPORT OF
MOTION FOR LEAVE TO AMEND
ANSWER TO COUNTERCLAIM**

07-CV-3215 (SHS)

VANESSA SORIANO POWER, hereby declares the truth of the following under penalty of perjury, pursuant to 28 U.S.C. § 1746:

1. I am a member of the firm of Stoel Rives LLP, counsel for Plaintiff in the above-captioned action. I have been admitted to practice *Pro Hac Vice* in this Court and I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of Plaintiff's Motion for Leave to Amend Answer to Counterclaim.

2. Attached hereto at Exhibit 1 is a true and correct copy of relevant excerpts from the Deposition of Irene-Luisa Torres.

3. Attached hereto at Exhibit 2 is a true and correct copy of relevant excerpts of the Deposition of Wai ("William") Wong.

4. Upon learning Mr. Wong's statement of the terms of the alleged oral agreement during his deposition, I immediately sought a stipulation from Benjamin Leavitt, counsel for PVL to amend Milagros's Answer to the Counterclaim to add the Statute of Frauds as an affirmative defense. I went to great effort to seek a stipulation and avoid court intervention on

this matter. I conferred with Mr. Leavitt on at least three different occasions. In those conversations, Mr. Leavitt disputed whether a Statute of Frauds defense could ultimately be successful, but never raised any concerns regarding delay or prejudice associated with Milagros's proposed amendment to its Answer. On February 28, 2008, Mr. Leavitt confirmed that PVL would not stipulate to Milagros's amendment of its Answer to the Counterclaim.

5. Attached hereto at Exhibit 3 is a true and correct copy of Milagros's proposed Amended Answer to Defendant's Counterclaim.

SIGNED this 5th day of March 2008 at Seattle, Washington.


Vanessa Soriano Power